

ORIGINAL

**IN THE FOURTH COURT OF APPEALS
OF THE STATE OF TEXAS**

FILED
IN THE COURT OF APPEALS
AT SAN ANTONIO, TEXAS
2010 AUG 10 PM 3:53

CASE NO. 04-09-00312-CR

Keith C. Hottle
KEITH C. HOTTE, CLERK

THE STATE OF TEXAS,

APPELLEE

VS.

GONZALO ARTEMIO LOPEZ

APPELLANT

APPEAL FROM THE 341st JUDICIAL DISTRICT COURT

WEBB COUNTY, TEXAS

**STATE'S MOTION FOR EXTENSION
OF THREE DAYS TO FILE STATE'S BRIEF**

TO THE HONORABLE JUSTICES OF SAID COURT:

COMES NOW THE STATE OF TEXAS, Appellee, and files this State's Motion for Extension of Three Days to File State's Brief in the above-styled and numbered cause, and would respectfully show the Court the following:

I.

The State's Brief was due May 1, 2010. However, due to office error and the inadvertent misplacement of Appellant's Opening Brief and any notice thereof, the undersigned Assistant District Attorney was not aware that Appellant's Brief had been filed on April 1, 2010. More than ten days had elapsed since the date the State's Response Brief was due. Therefore, the State requested and was granted a motion for leave to have the opportunity file a response.

II.

The State's response brief was due on July 7, 2010. However, the undersigned Assistant District Attorney was unable to meet the deadline due to preparation for a murder trial that was scheduled to commence on July 12, 2010.

III.

The State was granted a second extension with the filing deadline of Friday, August 6, 2010. Unfortunately, the undersigned Assistant District Attorney fell ill the week of August 1-6, 2010. This resulted in a limited amount of time to fully dedicate to this brief.

IV.

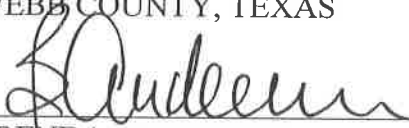
The undersigned Assistant District Attorney is not requesting this extension for the purpose of delay but so that justice may prevail. An extension of three (3) days would suffice.

WHEREFORE, PREMISES CONSIDERED, the State of Texas, Appellee, would respectfully request that this Motion be granted.

RESPECTFULLY SUBMITTED,

ISIDRO R. ALANIZ
DISTRICT ATTORNEY
49TH & 341ST JUDICIAL DISTRICTS
WEBB COUNTY, TEXAS


BY:



BRENDA ANDERSON
ASSISTANT DISTRICT ATTORNEY
STATE BAR NO. 24057744

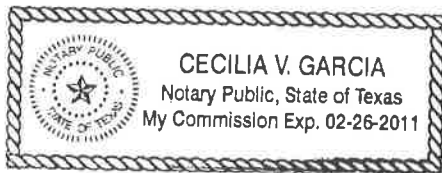
VERIFICATION


BEFORE ME, the undersigned Notary, on the 9th day of August, 2010, personally appeared Brenda Anderson, who being duly sworn by me stated that she has read the above and foregoing State's Motion for Extension of Three Days to File State's Brief and that the facts stated therein are true and correct.



BRENDA ANDERSON
ASSISTANT DISTRICT ATTORNEY

Subscribed and Sworn to before me on this the 9th day of August, 2010, to certify which witness my hand and official seal.






Notary Public
My commission expires:

CERTIFICATE OF SERVICE

I certify that the foregoing State's Motion for Extension of Three Days to File State's Brief was mailed to appellant's attorney, Deborah Letz, Assistant Public Defender, 410 S. Main Ave., Suite 214, San Antonio, TX 78204.



BRENDA ANDERSON
Assistant District Attorney
State Bar No. 24057744
Attorney for the State of Texas